

On March 23, 1943, the United States attorney for the Eastern District of Louisiana filed a libel against 50 cases of cookies at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 20, 1943, by Thomas & Clarke, Inc., from Peoria, Ill.; and charging that it was adulterated in that it was unfit for food because of contamination with naphthalene or creosote. The article was labeled in part: "Keystone Asst. Sand. Marshmallow Cookies," or "Asst. Egood Cream Cookies."

On June 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4927. Adulteration and misbranding of enriched bread. U. S. v. Neal Freeman (Good Eats Bakery). Plea of guilty. Fine, \$200. (F. D. C. No. 7749. Sample No. 88180-E.)

On January 22, 1943, the United States attorney for the Northern District of Texas filed an information against Neal Freeman, trading as the Good Eats Bakery, at Dalhart, Tex., alleging shipment on or about May 26, 1942, from the State of Texas into the State of Oklahoma of a quantity of bread that was adulterated and misbranded. The article was labeled in part: "Tender Krust Bread."

It was alleged to be adulterated in that valuable constituents, vitamin B₁, nicotinic acid, riboflavin, iron, and calcium, had been in whole or in part omitted from said article, and in that it was represented to consist of bread that had been enriched with vitamin B₁, and to contain in each loaf 450 International units of vitamin B₁, 0.6 milligram of riboflavin, 8 milligrams of nicotinic acid, 9 milligrams of iron, and 320 milligrams of calcium; whereas it had not been enriched with vitamin B₁, and each loaf contained not more than 300 International units of vitamin B₁, not more than 0.34 milligram of riboflavin, not more than 4.3 milligrams of nicotinic acid or its biological equivalent, not more than 7.07 milligrams of iron, and not more than 157.6 milligrams of calcium.

It was alleged to be misbranded (1) in that the statements, "Enriched with Vitamin B₁ Contains Not Less Than: 450 International Units Vitamin B₁ (1.35 mg. Thiamin) 0.6 mg. (Riboflavin) vitamin B₂ 8 mg. of Nicotinic Acid (a Vitamin of the Vitamin B complex) 9 mg. of Iron 320 mg. of Calcium," borne on the wrapper were false and misleading; (2) in that it was in package form and its package did not bear a label containing the address of the manufacturer, packer, or distributor; and (3) in that it did not bear a label containing an accurate statement of the quantity of the contents in terms of weight.

On June 8, 1943, a plea of guilty having been entered by the defendant, the court imposed a fine of \$200.

4928. Misbranding of cookies. U. S. v. 119 Boxes of Cookies. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 9606. Sample No. 44597-F.)

On or about March 25, 1943, the United States attorney for the District of Connecticut filed a libel against 119 boxes of cookies at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about February 17, 1943, by Sherman Rubin, from Bronx, N. Y.; and charging that it was misbranded. The article was labeled in part: (Sticker) "U. S. Cookies 14 Oz. Net Weight * * * Certified Flavor * * * Baked by U. S. Cookies, Inc. Brooklyn, N. Y."

The article was alleged to be misbranded (1) in that the statement "14 Oz. Net Weight" was false and misleading since it was short weight; (2) in that the statement "Certified Flavor" was false and misleading since flavors are not certified; (3) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; and (4) in that it contained artificial coloring and failed to bear labeling stating that fact.

On May 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

4929. Misbranding of cookies. U. S. v. 540 Cartons of Cookies (and 2 additional seizure actions against cookies). Decrees of condemnation. Product ordered delivered to welfare organizations. (F. D. C. Nos. 9201, 9241, 9242. Sample Nos. 9040-F, 10613-F, 15857-F.)

This product was short of the declared weight.

Between January 15 and February 1, 1943, the United States attorneys for the Northern District of California, the District of Wyoming, and the Northern District of Texas filed libels against 540 cartons, each containing 12 packages, of cookies at

San Francisco, Calif., 39 cases of cookies at Cheyenne, Wyo., and 134 cases of cookies at Dallas, Tex., alleging that the article had been shipped in interstate commerce within the period from on or about December 8 to 31, 1942, by the Miracle Baking Co., Inc., from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: (Cartons) "Miracle Ice Box Cookies * * * Net Weight 13 Oz."

It was alleged to be misbranded in that the statement "Net Weight 13 Oz." was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On February 11 and March 9, 1943, no claimant having appeared for the lots located at San Francisco, Calif., and Dallas, Tex., judgments of condemnation were entered and the product was ordered distributed to welfare organizations. On February 20, 1942, the Miracle Baking Co. having appeared as claimant for the lot located at Cheyenne, Wyo., and having consented to the entry of a decree, judgment of condemnation was entered with provision for release of the product under bond for relabeling or repacking. On March 5, 1943, on motion of the claimant, the product was ordered delivered to a welfare organization.

MISCELLANEOUS CEREAL PRODUCTS *

4930. Adulteration of rice. U. S. v. 39 Bags of Rice. Default decree of condemnation and destruction. (F. D. C. No. 9427. Sample No. 10558-F.)

This product had been stored, after shipment, under insanitary conditions and was subject to rodent infestation. When sampled it was contaminated with rodent hairs and pellets, and the bags bore rodent urine stains.

On February 24, 1943, the United States attorney for the Southern District of California filed a libel against 39 100-pound bags of rice at Fresno, Calif., in the possession of Haas Bros., alleging that the article had been shipped in interstate commerce on or about September 25, 1942, from Dewitt, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Bag) "Lady Wright Long Grain * * * Smith Rice Mill Co., Dewitt, Ark."

On April 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4931. Adulteration of popcorn. U. S. v. 205 Bags of Shelled Popcorn. Default decree of condemnation. Product ordered delivered to a welfare organization for use as animal feed. (F. D. C. No. 9507. Sample No. 24834-F.)

This product was stored under insanitary conditions after shipment in interstate commerce. Practically every bag in the pile bore evidence of rodent contamination by the presence of excreta pellets and urine stains, and a number of the bags had been gnawed by rodents. Rodent hairs were found on the popcorn in the bags.

On or about March 15, 1943, the United States attorney for the Western District of Virginia filed a libel against 205 bags of shelled popcorn in the possession of the Roanoke Public Warehouse at Roanoke, Va., alleging that the article had been shipped in interstate commerce on or about January 18, 1943, from Evansville, Ind.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, rodent hairs, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On August 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization for use as animal feed, and not for human consumption.

4932. Misbranding of griddlecake mix. U. S. v. 1,559 Cases of Griddle Cake Mix. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9531. Sample Nos. 38304-F.)

On March 16, 1943, the United States attorney for the Northern District of Illinois filed a libel against 1,559 cases, each containing 12 20-ounce packages, of griddlecake mix at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 6, 1943, by the Little Crow Milling Co. from Warsaw, Ind. The article was alleged to be misbranded in that the following statements in the labeling: "Golden Soy * * * Griddle Cake Mix * * * The Soy Bean Taste Sensation * * * Protein Rich Nutrition authorities agree that *protein* is the food factor that builds strong, firm flesh. It is the principal strength-building ele-

* See also Wheat Germ, No. 5092.